

**VILLAGE OF EMPIRE
MASS GATHERING ORDINANCE #119**

AN ORDINANCE TO PROVIDE A LICENSING PROCEDURE FOR MASS GATHERINGS TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

The following terms, as used in this Ordinance, are hereby defined to mean:

- a. "Licensee" shall mean any person to whom an approval is issued pursuant to this Ordinance.
- b. "Mass gathering" shall mean an organized outdoor event of three hundred fifty (350) people or more held at a single location on either public or private land within the Village; provided, however, a mass gathering shall not include an event sponsored by the Village itself, and/or garage/yard sales held at private residences, churches, or civic organizations occurring entirely upon the grounds of said private residence, church or organization.
- c. "Person" shall mean any natural person, partnership, corporation, Limited Liability Company, association, organization or other legal entity.
- d. "Sponsor" shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted, a mass gathering.
- e. "Sketch Plan" shall mean a composite drawing on a Village Map that identifies the specific locations of each required amenity and layout of the specific site which includes all requirements of an application.
- f. "Village" shall mean the Village of Empire.

Section 2. License Requirements.

2.1 Necessity of License.

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the Village without first obtaining a license from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event of any size in conjunction with or on the same date and at the same location as a mass gathering without first

being included in the application of and being included on the approved license for the mass gathering.

2.2 Application for License.

No less than thirty (45) days before the proposed mass gathering, except as provided for in Section 2.6, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the Village's Enforcement Officer on such forms and in such manner as the Village prescribes.

The application shall contain at least:

- (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
- (2) The date(s) and estimated hours of the proposed mass gathering;
- (3) A description of the kind, character and type of mass gathering proposed;
- (4) The address or location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of the property for the proposed mass gathering;
- (5) An estimate of the maximum number of people expected to attend the proposed mass gathering;
- (6) A written statement that indicates how the sponsor(s) plans to provide for the following:
 - (a) Police and fire protection;
 - (b) Medical facilities and services, including emergency vehicles and equipment;
 - (c) Food and water supply facilities;
 - (d) Health and sanitation facilities;
 - (e) Vehicle access and parking facilities;
 - (f) Cleanup and waste disposal;
 - (g) Noise control;
 - (h) Insurance and bonding arrangements.
- (7) A sketch plan shall be included with the application which shows at a minimum, areas of staging, parking, sanitation facilities, emergency corridors and first-aid stations, ingress and egress locations, crossing areas, waste disposal, food and water facilities and resources;
- (8) The applicant shall attach a letter from all required entities that they have received a copy of the application and accept the general layout as presented according to the entity's requirements.

2.3 Application Fee.

Each application for a mass gathering license shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village's Schedule of Fees.

2.4 Action on Application.

After receiving an application for a mass gathering license and the appropriate fee(s), the Village's Enforcement Officer or his/her appointee, shall review and consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, including the suitability of the site for the proposed mass gathering, the length of the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the Village police, fire department and emergency medical resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking, access and pedestrian routes to and within the site. Prior to granting the license, the Enforcement Officer may, in such officer's sole discretion, seek guidance from the Village Council as to the terms and conditions necessary for the issuance of said license.

Within thirty (30) days after receiving a completed application for a mass gathering license, the Village's Enforcement Officer shall approve the application and issue the mass gathering license, unless he or she finds by a preponderance of the evidence that holding the mass gathering as proposed would be detrimental to the public health, safety and welfare of the Village. If the Village's Enforcement Officer denies a mass gathering license, the Village Clerk shall send written notice of the denial, including the reasons for the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

The Village Enforcement Officer may attach any conditions to the issuance of such license which said officer, in his or her sole discretion, deems necessary to protect the public health, safety and welfare.

2.5 Requirement for Applicant's Reimbursement to the Village.

(a) Cost determination.

During the Enforcement Officer's review, determination of the estimated cost to the Village in means of service or personnel shall be calculated and the applicant shall be responsible for reimbursement to the Village for the estimated cost. Since most events are customarily held on weekends, overtime rates shall be used in the calculation for all events held on weekends.

This estimate shall not include the Village's regularly scheduled activities or personnel schedules that would normally be scheduled on the specific date(s).

- (b) Reimbursement requirement for Village employees.
Determination for man-power hours shall be based on the Village's actual cost to have the lowest paid departmental employee(s) in ascending order for the specific task on duty during the event. Reimbursement shall be based on all cost associated to the specific employee including, but not limited to, regular or overtime pay, fringe benefit reimbursement and insurances.
- (c) Reimbursement requirement for Village equipment or supplies.
Reimbursement to the Village for equipment, vehicles or supplies and services such as refuse disposal cost and vehicles shall be based on actual cost of equipment or services, or vehicle cost based on the State of Michigan's Schedule of Equipment Cost, as amended, and as updated by the State of Michigan Treasury at the time of the event.
- (d) Reimbursement Payment to the Village.
All cost reimbursements due to the Village must be paid in full within not more than 30 days after the final date of the event. The Village shall use any legal means necessary to collect any unpaid cost reimbursements. Non-payment of reimbursement cost may jeopardize the event's next scheduled activity and can be grounds for denial of future applications. The Village Enforcement Officer may require the applicant to post a Two Thousand Dollar (\$2,000.00) performance bond or cash security deposit as a condition of granting the license if, in said officer's sole discretion, such performance bond or cash security deposit is necessary to ensure the Village will be reimbursed for its costs as provided for in this ordinance.

2.6 Waiver.

The Enforcement Officer may waive the requirement in Section 2.2 that application for a license be filed no less than 45 days before the proposed mass gathering if circumstances make it impossible for the applicant to comply. It is the express intent of the Village of Empire that all mass gatherings held within the Village shall be governed by this ordinance and shall therefore be exempt from the provisions of similar Leelanau County ordinances not specifically adopted by the Village Council. The Village Enforcement Officer may accept or reject any review, decision, determination or recommendation by Leelanau County or its officers for any event held or to be held within the Village limits. The Village Enforcement Officer will submit at a minimum, a notice to the

Leelanau County Emergency Management Coordinator informing him or her of the date(s) and the event.

Section 3. Enforcement Officer.

Unless and until a different person is assigned the authority and duties of the Enforcement Officer under this ordinance, all of said authority and duties shall be performed by the Village's Zoning Administrator who shall serve as the Enforcement Officer during such time.

Section 4. Appeals Process.

An aggrieved applicant may appeal any decision of the Village Enforcement Officer to the Village Council. All such appeals shall be filed and heard prior to the event's occurrence. No appeal of the costs imposed by this Ordinance shall be considered for any event after the event's occurrence. The Village Council's decision shall be final.

Section 5. Violations.

5.1 Municipal Civil Infractions.

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions set forth in the Municipal Civil Infractions Ordinance of the Village of Empire as such ordinance may be amended from time to time. Each day this ordinance is violated shall be considered as a separate violation.

5.2 Enforcement Officials.

The officers of the Leelanau County Sheriff's department and the Enforcement Officer provided for in this ordinance are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.

5.3 Nuisance Per Se.

A violation of this ordinance is hereby declared to be a nuisance *per se* and is declared to be offensive to the public health, safety and welfare.

5.4 Civil Remedies

In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance *per se* or any other violation of this ordinance.

Section 6. Severability.

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and, to this end, this ordinance is declared to be severable.

Section 7. Effective Date.

This ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Village Council for the Village of Empire held on the 24 day of March, 2009 Linda Payment moved for adoption of the foregoing ordinance and Emerson Hilton supported the motion.

Voting for: Linda Payment, Sam Barr, Emerson Hilton and President Susan Carpenter

Voting against: David Diller

The Village President declared the ordinance adopted.

Susan A. Carpenter
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 119 which was enacted by the Village Council for the Village of Empire at a regular meeting held on March 24, 2009.

Patricia Zoyhofski
Village Clerk